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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

CENTER FOR BIOLOGICAL
DIVERSITY, et al.,

Plaintiffs,

v.

DEBRA HAALAND, et al.,

Defendants.

No. 2:24-cv-05459-FMO-MAA

**PLAINTIFFS' RESPONSE TO
SABLE OFFSHORE CORP.'S
MOTION TO INTERVENE**

Date: November 14, 2024

Time: 10:00 AM

Courtroom: 6D

Judge: Hon. Fernando M. Olguin

Plaintiffs Center for Biological Diversity and Wishtoyo Foundation
("Plaintiffs") submit the following response to Sable Offshore Corp.'s ("Sable")
Motion to Intervene, Dkt. No. 18, filed on October 16, 2024 ("Motion").

Plaintiffs do not oppose Sable's Motion subject to two reasonable
conditions on Sable's participation to help foster the timely and efficient
resolution of this case. Specifically, Plaintiffs request that the Court: (1) require

1 Sable to abide by the deadlines in the Court’s scheduling order, Dkt. No. 17; and
2 (2) limit Sable to 12 pages in its portion of the parties’ Joint Summary Judgment
3 Brief and 5 pages for any supplemental memorandum to the Joint Summary
4 Judgment Brief, *see id.*¹

5 Issuing such conditions is well within the Court’s authority. As the
6 Supreme Court has acknowledged, “intervention of right under the amended rule
7 [24(a)] may be subject to appropriate conditions or restrictions responsive among
8 other things to the requirements of efficient conduct of proceedings.” *Stringfellow*
9 *v. Concerned Neighbors in Action*, 480 U.S. 370, 383 n.2 (1987) (Brennan, J.,
10 concurring) (quoting Fed. R. Civ. P. 24 advisory committee’s note to 1966
11 amendment). Similarly, the Court has broad discretion to place limits on
12 permissive intervention. *Ctr. for Biological Diversity v. Brennan*, 571 F.Supp.2d
13 1105, 1130 (N.D. Cal. 2007) (citing *San Jose Mercury News v. U.S. Dist. Ct. for*
14 *N. Dist. Cal.*, 187 F.3d 1096, 1100 (9th Cir. 1999)).

15 In other words, “imposing certain conditions on either type of intervention,
16 of right or permissive, poses no problem in the federal courts.” *Southern v. Plumb*
17 *Tools*, 696 F.2d 1321, 1323 (11th Cir. 1983). That is particularly true where the
18 conditions promote fairness and judicial efficiency. *See Beauregard, Inc. v. Sword*
19 *Servs., LLC*, 107 F.3d 351, 352–53 (5th Cir. 1997); *see also Wildearth Guardians*
20 *v. Salazar*, 272 F.R.D. 4, 20 (D.D.C. 2010) (“conditions imposed [on intervention]
21 should be designed to ensure the fair, efficacious, and prompt resolution of the
22

23 ¹ Counsel for the parties discussed the first condition at the L.R. 7-3 conference on
24 Sable’s Motion. Sable’s counsel indicated that Sable would abide by any
scheduling order the Court enters, which Sable has confirmed in its Motion. *See*
Dkt. No. 18 at 10. However, because the L.R. 7-3 conference occurred before the
Court’s most recent scheduling and briefing order, Dkt. No. 17, and Sable filed its
Motion before Plaintiffs’ counsel could communicate Plaintiffs’ position, counsel
for the parties did not discuss the second condition in advance of Sable’s filing.

1 litigation.” (citations omitted)).

2 Consistent with this fundamental principle, courts have previously imposed
3 the specific conditions that Plaintiffs seek here. *See, e.g., Ass’n of O&C Cnty. v.*
4 *Trump*, Nos. 17-280, 17-441 (RJL), 2018 U.S. Dist. LEXIS 243643, at *6 (D.D.C.
5 Jan. 22, 2018) (granting permissive intervention on the condition that intervenors
6 “shall be held to the same schedule that would apply absent intervention”); *Nat’l*
7 *Family Farm Coal. v. Vilsack*, No. 21-cv-05695-JD, 2022 U.S. Dist. LEXIS
8 21628, at *3–4 (N.D. Cal. Feb. 7, 2022) (limiting intervenors’ briefing to 10
9 pages); *W. Org. of Res. Councils v. Jewell*, No. 14-1993 (RBW), 2015 U.S. Dist.
10 LEXIS 194028, at *20 (D.D.C. July 15, 2015) (limiting intervenors to less than
11 half the page limits provided by the local rules); *Wildearth Guardians*, 272 F.R.D.
at 20–21 (imposing page limits on intervenors).

12 As with those cases, requiring Sable to abide by the deadlines in the
13 existing scheduling order will help ensure the expedient resolution of this case.
14 Similarly, limiting Sable’s briefing to roughly half the page limits of the Court’s
15 order—issued when there were no separately represented parties on Defendants’
16 side—will ensure fairness to Plaintiffs by making the total number of pages for
17 each side more comparable, while preserving space for Sable to assert its position
on the claims at issue.

18 Therefore, should the Court grant Sable’s Motion, Plaintiffs respectfully
19 request the conditions listed above.
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1 DATED: October 18, 2024
2

3 /s/ Kristen Monsell

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